

REMARKS

Applicants acknowledge receipt of the Office action dated May 3, 2007. Claims 1-28 were pending in the application and were examined. By this paper, claims 1, 5, 22, and 24 are amended, and claim 15 is cancelled. No new matter is added. Upon entry of this Amendment, claims 1-14 and 16-28 will be pending in the application. Favorable consideration and allowance of the pending claims are respectfully requested.

I. Claim Rejections: 35 U.S.C. § 112, Second Paragraph

Pending claims 1-14 and 16-21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicants regard as their invention. Specifically, the Office action states that the feature "the locking element" recited in claim 1 lacks sufficient antecedent basis. Claim 1, as amended, now recites "a locking element". Reconsideration and withdrawal of the rejection of claim 1, and pending claims 2-14 and 16-21 depending therefrom, are respectfully requested.

II. Claim Rejections: 35 U.S.C. § 102

Pending claims 1-14, 16-24, and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wood (U.S. 4,454,824). Applicants respectfully request reconsideration and withdrawal of these rejections. Applicants submit that Wood fails to disclose each and every feature of pending claims 1-14, 16-24, and 28.

A. Claim 1

As amended herein, claim 1 is generally directed toward a safety-fastener to be secured by fastening. The fastener comprises at least a threaded tip and a rod. The threaded tip and rod are interconnected in a joint allowing transmission of rotational movement from the rod to the threaded tip in one locked state and preventing transmission of rotational movement from the rod to the threaded tip in another unlocked state. The joint is locked by the insertion of a locking

element into a rotationally locking engagement in the rod and in the threaded tip, and the rod and threaded tip comprise a hollow channel that houses the locking element.

Wood discloses a beach locker that can be secured into sand at a beach to store a beachgoer's valuables against theft. The beach locker includes a locker body 10 and a solid shaft 20 coupled to the body 10. A drive member 42 coupled to the locker body 10 is configured to selectively engage the shaft 20 and allow conjoint rotating movement of the drive member 42, locker body 10, and shaft 20. A pin 34 of the shaft 20 is positioned to cooperate with a slot 40 in the drive member 42 to allow the selective engagement and conjoint movement. An auger 22 is integrally formed at an end of the shaft 20 such that rotation of the drive member 42, locker body 10, and shaft 20 rotates the auger 22 for help in inserting the shaft 20 into the sand.

The Office action relates the drive member 42 in Wood to a rod, and the auger 22 in Wood to a threaded tip (see, Office action, page 2, lines 19-20). And the Office action states that Wood discloses that the drive member 42 and auger 22 comprise a hollow channel that houses a locking element (see, Office action, page 4, lines 10-12). Applicants initially point out that it is not clear from the Office action what feature in Wood may relate to a locking element, as recited in Applicants' claim 1. Applicants respectfully request clarification of this feature if the rejections herein are maintained, and an opportunity to respond to the Office's clarification if necessary.

Wood does not disclose, at the least, that the auger 22 and the drive member 42 include a hollow channel that houses a locking element therein. At most, Wood discloses that the shaft 20 (and thus the auger 22) is received into the drive member 42 to allow conjoint rotational movement thereof (Wood, e.g., col. 2, lines 42-44; Fig. 6, etc.). But Wood does not disclose that the auger 22 includes a hollow channel that houses a locking element. Accordingly, Wood does not disclose each and every feature of Applicants' amended claim 1, including, at the least, a rod and threaded tip comprising a hollow channel that houses a locking element.

For at least the foregoing reasons, Applicants submit that amended claim 1 is novel and patentable over the cited references, including Wood. Pending claims 2-14 and 16-21, which depend from claim 1, are submitted to be novel and patentable over the cited references, including Wood, for at least the same reasons set forth above with respect to claim 1. In addition, pending claims 2-14 and 16-21 are believed to be further patentably distinguishable because the cited references do not disclose, teach, or suggest the additional features required by them in combination with the other features recited in independent claim 1 from which they depend. Applicants respectfully request reconsideration and withdrawal of the rejections of pending claims 1-14 and 16-21 under 35 U.S.C. § 102(b).

Claim 7 is further submitted as patentable over the cited references, including Wood, because the cited references do not disclose that the joint is shifted from the locked state to the unlocked state by irreversible breaking of the locking element. The Office action states that Woods discloses this feature at column 1, line 66 to column 2, line 4. However, this cited part of Woods does not disclose or discuss breaking the locking element as generally required by claim 7.

Claim 21 is further submitted as patentable over the cited references, including Wood, because the cited references do not disclose that the joint is shifted between the locked and unlocked state by respectively removing and inserting the locking element into the safety-fastener. The Office action states that Woods discloses this feature at column 2, lines 40-68. However, this cited part of Woods does not disclose or discuss removing a locking element from a safety-fastener and inserting a locking element into a safety-fastener. In Woods, for example, the pin 34 used to couple the shaft 20 to the drive member 42 remains in the beach locker and its locker body 10 at all times.

B. Claim 22

Claim 22 is generally directed toward a lock safety-fastener comprising a fastener and a lock wherein the fastener contains an insertion-region which can

be used for attachment into a solid material, and a lock-accepting region which protrudes from the solid material. The attachment and locking of the lock to the lock-accepting region allows the lock to rotate freely around the lock-accepting region in its locked state thereby significantly hindering the possibility for loosening the fastener. In addition, the attachment of the lock to the lock-accepting region of the fastener includes *moving the lock over the lock-accepting region.*

As previously stated, Wood discloses a beach locker that can be secured into sand at a beach to store a beachgoer's valuables against theft. The beach locker includes a locker body 10 (having a container 12 and a lid 14) and a solid shaft 20 coupled to the body 10 for insertion into the sand. A drive member 42 coupled to the locker body 10 is configured to selectively engage the shaft 20 and allow conjoint rotating movement of the drive member 42, locker body 10, and shaft 20. An auger 22 is integrally formed at an end of the shaft 20 such that rotation of the drive member 42, locker body 10, and shaft 20 rotates the auger 22 for help in inserting the shaft 20 into the sand. When the drive member 42 is disengaged from the shaft 20, a padlock can be positioned through an eyelet 50 in the drive member 42 above the locker body 10 to hold the drive member 42 in the disengaged position.

The Office action relates the container 12 in Wood to a lock-accepting region, and the padlock 52 in Wood to a lock (see, Office action, page 4, lines 19-21). Wood discloses that the padlock 52 locks to the drive member 42 above the container 12 to hold the drive member 42 disengaged from the shaft 20 and against movement into the container 12. Wood does not disclose, at the least, that the padlock 52 attaches to the container 12, or that attachment of the padlock 52 includes moving the padlock 52 over the container 12. Accordingly, Wood does not disclose each and every feature of Applicants' amended claim 1, including, at the least, attachment of a lock to a lock-accepting region of a fastener including *moving the lock over the lock-accepting region.*

For at least the foregoing reasons, Applicants submit that amended claim 22 is novel and patentable over the cited references, including Wood. Pending

claims 23, 24, and 28, which depend from claim 22, are submitted to be novel and patentable over the cited references, including Wood, for at least the same reasons set forth above with respect to claim 22. In addition, pending claims 23, 24, and 28 are believed to be further patentably distinguishable because the cited references do not disclose, teach, or suggest the additional features required by them in combination with the other features recited in independent claim 22 from which they depend. Applicants respectfully request reconsideration and withdrawal of the rejections of pending claims 22-24 and 28 under 35 U.S.C. § 102(b).

III. Claim Rejections: 35 U.S.C. § 103

Pending claims 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of Williams (U.S. 3,817,063). Pending claims 25-27 depend from claim 22, which Applicants submit as patentable for at least the reasons stated above, and are therefore submitted as patentable for at least the same reasons as stated for claim 22. In addition, pending claims 25-27 are believed to be further patentably distinguishable because the cited references do not disclose, teach, or suggest the additional features required by them in combination with the other features recited in independent claim 22 from which they depend. Reconsideration and withdrawal of the rejection of pending claims 25-27 under 35 U.S.C. § 103(a) are respectfully requested.

IV. Conclusion

In view of the above remarks, Applicants respectfully submit that each of the rejections set forth in the Office action has been overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$230 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

It is believed that the correct fees due are included with this filing. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. **08-0750** for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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By _____


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